OIPE JC98 JUL 02 2004 PATENT & TRADEMARK OFFICE

Atty. Docket No.: 49403-00002

DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

AUTOMATED TRANSLUMINAL TISSUE TARGETING AND ANCHORING DEVICES AND METHODS

the specification of which is attached hereto unless the following box is checked:

☒ was filed on **12 April 2004** as United States Application No. **10/822,138** and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or PCT International application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

NUMBER	COUNTRY	DAY/MONTH/YEAR FILED	PRIORITY CLAIMED

I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, all practitioners associated with the Customer Number 23,767.

Direct all correspondence to the address associated with the above-referenced Customer Number. Direct all telephone communications to Don J. Pelto, practitioner associated with the above-referenced Customer Number, at (202) 628-1700.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<table>
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